

Coram: S.K.Keshote, J.
(8th January 1996)

Order

Heard Shri P.B.Majmudar for the petitioner. None present for the respondents.

2. The facts which have been made by the petitioner in this petition are that respondent No.3 has not sent the last pay certificate of the petitioner to the school where she has been transferred. On transfer, she joined the transferee school on 29.9.1993 and from the said date she has not got her salary for want of last pay certificate from respondent No.3. The interim order was passed by this Court in her favour while issuing Rule on 25.7.1995 for giving the regular salary to her. On the last date of hearing the learned Counsel for the petitioner stated that, after filing of this writ petition before this Court, the last pay certificate of the petitioner has been sent to the school whereto she has been transferred. But today he states that his statement was wrong. The last pay certificate of the petitioner has not been sent so far. The respondents despite service have not filed any reply.

3. Looking to the fact that earlier the petitioner had filed a Regular Civil Suit No.203 of 1993 in the Court of the learned Civil Judge (S.D.) at Himatnagar for getting the same relief which has been prayed in the present petition and that suit has been withdrawn by her, it is rather in the interest of justice to afford an opportunity to the respondents to give out the reasons for which the last pay certificate of the petitioner has not been sent. In such a case, it is expected of the authorities to pass a speaking order in the matter so that when the petitioner approaches to this Court, the Court may be in a better position to appreciate the controversy. The petitioner had filed her representation also earlier to the respondents before approaching this Court. But none of her representation was disposed of.

4. In the result, this petition is disposed of with a direction that the petitioner shall make a representation in the matter before respondent No.3 and respondent No.3 shall dispose of the said representation within a period of one month from the date of receipt of

the representation along with certified copy of this order. In case respondent no.3 decides against the petitioner, such order should be a speaking order and a copy thereof should be sent to the petitioner by registered post. In case the petitioner is not satisfied with the said order, then, she may approach to respondent No.2 with a representation within a period of 15 days from the date of receipt of the order aforesaid, and respondent No.2 will decide such representation within month from the date of receipt thereof. It is expected of the said authority, in case it does not accept the representation of the petitioner, to pass a speaking order and send a copy of the same to the petitioner by registered post. Rule is discharged with the aforesaid observation. However, it is made clear that the petitioner shall be paid her salary regularly as ordered by this Court.

08th January 1995

(S.K.Keshote, J.)